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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware Corporation dba BLACKWATER WORLDWIDE, Plaintiff, v. KELLY BROUGHTON, in his capacity as Director of the Development Services Department of the City of San Diego; THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO, an agency of the City of San Diego; AFSANEH AHMADI, in her capacity as the Chief Building Official for the City of San Diego; THE CITY OF SAN DIEGO, a municipal entity; and DOES 1-20, Defendants.	Case No. 08cv0926 H (WMC) **JOINT MOTION FOR EXTENSION OF TIME FOR DEFENDANTS TO FILE A RESPONSIVE PLEADING TO THE PLAINTIFF'S COMPLAINT** Judge: Hon. Marilyn L. Huff Court Room: 13

Defendants Kelly Broughton, the Developmental Services Department of the City of San Diego, Afsaneh Ahmadi, and the City of San Diego ("Defendants"), by and through the undersigned counsel, Deputy City Attorney George F. Schaefer, and the Plaintiff, Blackwater Lodge and Training Center, Inc. ("Blackwater"), by and through its undersigned counsel, Michael I. Neil, jointly move to extend the Defendants' current deadline of June 12, 2008 to file a responsive pleading to Plaintiff's complaint to **June 23, 2008**. The following grounds support this motion:

1. On May 23, 2008 Plaintiff Blackwater filed a Complaint in this case for the following: 1) injunctive relief; 2) declaratory judgment; 3) violation of 42 U.S.C. § 1983 (procedural due process); 4) violation of 42 U.S.C. § 1983 (substantive due process); 5) dormant Commerce Clause; 6) violation of Cal. Const., Art. I, § 7(A) (procedural due process); and 6) violation of Cal. Const., Art. I, § 7(A) (equal protection).

2. Defendants Developmental Services Department and the City were served with a summons and Complaint on May 23, 2008; therefore, the Defendants' responsive pleading to the Complaint is due to be filed on June 12, 2008.

3. The defense has been focused on the preparation of the response to the Court's show cause order regarding the Plaintiff's request for a preliminary injunction. As a result, the Defendants have had insufficient time to prepare a responsive pleading to the Complaint.

4. The Defendants therefore request an extension of time to file a responsive pleading to the Complaint to June 23, 2008. Such an extension is also justified because the legal issues in this case are complex.

5. The undersigned counsel for the City, George F. Schaefer, certifies that this joint motion is acceptable to the Plaintiff. Opposing counsel, Michael I. Neil, has given permission to sign his electronic signature below reflecting such non-opposition.

Dated: June 11, 2008

MICHAEL J. AGUIRRE, City Attorney

By:
s/George F. Schaefer
George F. Schaefer
Deputy City Attorney
E-mail: GSchaefer@sandiego.gov

Attorneys for Defendant
City of San Diego

Dated: June 11, 2008

By:
s/Michael I. Neil
Michael I. Neil
Attorney-at-Law
E-mail: mneil@neildymott.com

Attorney for Plaintiff

DECLARATION OF SERVICE

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; and that I served the following document(s):

- **JOINT MOTION FOR EXTENSION OF TIME FOR DEFENDANTS TO FILE A RESPONSIVE PLEADING TO THE PLAINTIFF'S COMPLAINT**

on the individuals listed below in the manner indicated.

Electronic Mail

I served the following by electronic mail at the e-mail addresses listed below:

- **John Nadolenco**
  jnadolenco@mayerbrown.com,jaustgen@mayerbrown.com
- **Michael Ira Neil**
  mneil@neildymott.com,kmoscinski@neildymott.com

Executed: June 11, 2008, at San Diego, California.

_s/George F. Schaefer ___________
GEORGE F. SCHAEFER
E-mail: GSchaefer@sandiego.gov